

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Marco A. Nunez, #11460-031, )  
*aka* Marco Antonio Nunez-Ramos, )  
Plaintiff, ) Civil Action No. 4:13-2744-TMC  
vs. )  
Kenny Atkinson; and C. Blackwelder, )  
Defendants. )  
\_\_\_\_\_  
)

**ORDER**

Plaintiff, a federal prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court dismiss the case, without service of process, for frivolousness and failure to state a claim upon which relief may be granted. (ECF No. 15). Plaintiff was advised of his right to file objections to the Report. (ECF No. 15 at 13). Plaintiff timely filed objections. (ECF No. 19).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court need not conduct a de novo review when a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). In that case, the court reviews the Report only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

In this case, Plaintiff filed timely objections to the Report. (ECF No. 19.) However, his objections merely restate factual allegations and legal conclusions from his complaint and fail to address any specific, dispositive portion of the Report. The court has thoroughly reviewed the Report and Plaintiff's objections and finds no reason to deviate from the Report's recommended disposition

. Therefore, the court adopts the Report (ECF No. 15) and incorporates it herein. Accordingly, this case is **DISMISSED** without prejudice for frivolousness and failure to state a claim and without service of process.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

June 10, 2014  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.